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Before The  
Federal Communications Commission  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of )

Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

To: The Commission

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**PETITION FOR RECONSIDERATION**

Florida West Coast Public Broadcasting, Inc. ("WEDU"), licensee of noncommercial educational television station WEDU, Channel 3, Tampa, Florida, by its counsel, hereby petitions for reconsideration of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"). WEDU has two concerns. First, the allocation of non-core Channel \*54 as the paired DTV channel for WEDU will cause substantial and unnecessary hardship. WEDU is currently engaging in engineering studies and anticipates that it and the Commission, working together, can find a workable DTV channel within the core spectrum to substitute for Channel \*54 without significant disruption to other allotments or diminution in coverage area. Second, the *Sixth R&O* specifies particular reference coordinates for vacant reserved Channel \*5 at Bradenton, Florida. As described herein, WEDU is the sole applicant for reserved NTSC Channel \*19 at Bradenton, which channel has apparently become unusable as a result of the allocation of a DTV Channel 19 elsewhere in the

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market. WEDU intends to apply at the earliest opportunity for the right to construct a station on the new, reserved DTV Channel \*5 at Bradenton, which allocation clearly replaces NTSC Channel \*19. In order to make operation on Channel \*5 possible from the likely WEDU DTV transmitter site, a change in reference coordinates for the Channel \*5 allotment is required. In these two respects, WEDU seeks relief by this petition.<sup>1/</sup>

At the outset, WEDU compliments the Commission on the substantial effort reflected in the DTV Table of Allotments and the *Fifth and Sixth Reports and Orders* in this proceeding. WEDU appreciates that the FCC has recognized and tried to accommodate the unique needs of public television stations. WEDU also understands that complicated considerations will have to be undertaken by the Commission as it deals with this Petition and others filed by commercial and noncommercial educational television stations. Nevertheless, WEDU believes that an alternative DTV channel for its station as requested in this Petition, and the change of the reference coordinates of DTV Channel \*5 at Bradenton, Florida, would serve the public interest.

#### Channel \*54 at Tampa

WEDU has operated station public television station on Channel \*3 at Tampa since 1958, providing high quality educational, informational and cultural programming,

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<sup>1/</sup> WEDU participated earlier in this proceeding in the form of comments filed on its and other public TV stations' behalf by the Public Broadcasting Service and America's Public Television Stations. Thus, the requirements of Section 1.429 of the Rules with respect to petitions for reconsideration should be deemed satisfied. If necessary, however, WEDU requests waiver of Section 1.429 to the extent necessary for the Commission to consider its petition, in view of the public interest issues raised herein.

including children's programming, to the Tampa area. By necessity, as a noncommercial educational licensee, WEDU must be a careful steward of its resources, even while it seeks to offer leadership in the public broadcasting system. WEDU has planned to extend its leadership into the digital television era and looked forward to the early, innovative activation of DTV facilities. The allocation of Channel \*54 as its paired DTV channel, however, creates enormous obstacles to the achievement of its goals.

WEDU requests reconsideration of that aspect of the *Sixth R&O*, and urges the Commission to work with WEDU in finding an acceptable substitute channel for Channel \*54. WEDU is now working diligently to identify an alternative channel that would avoid interference to other NTSC and DTV allotments and stations, although that search has been hampered by the unavailability of appropriate engineering tools.

Substantial hardship will be inflicted upon WEDU if it is required to activate its DTV channel on Channel \*54. Operation of that DTV station with power levels of 1000 kw as proposed by the Commission will result in additional electrical power costs of between \$200,000 and \$250,000 per year. This is in itself a devastating problem for this noncommercial educational station.

Even worse, the Commission's proposal for WEDU to activate its DTV channel on Channel \*54 would require WEDU to change channels after the transition period. Under any scenario of the *Sixth R&O*, Channel \*54 would be reclaimed by the Commission for other purposes as it is outside of the core spectrum for TV operations. Thus, under the

*Sixth R&O*, WEDU would be required to activate its DTV station, only to move it to some other channel after the transition period.

#### Bradenton Channel \*5 Coordinates

Recently, WEDU has sought to expand its substantial service to areas of the metropolitan area that would benefit from a public television service tailored to their special needs. Thus, prior to the NTSC filing window in late 1996, WEDU filed an application for vacant NTSC Channel \*19 at Bradenton (File No. BPET-960724KT). At that time, it appeared that Channel \*19 would continue to work as an NTSC allotment, based on the FCC's proposed Table of Allotments in the *Sixth Further Notice of Proposed Rule Making* in this docket, FCC 96-317 (released August 14, 1996).

However, in the *Sixth R&O*, the Commission allocated Channel 19 for DTV use at Lakeland, Florida, which is in the same Tampa metropolitan area, and very close to both Bradenton and the proposed transmitter site for WEDU's Channel \*19 facility. Thus, for all intents and purposes, WEDU believes that NTSC Channel \*19 is no longer available for its use at Bradenton. Nor is there any other remaining vacant NTSC channel. Instead, the Commission allotted Channel \*5 to Bradenton as a vacant, reserved DTV channel, clearly as a replacement for Channel \*19, for which WEDU had applied.

WEDU intends to seek to have its pending NTSC application converted to specify DTV operation on Channel \*5 at Bradenton, and it intends vigorously to prosecute that application and, if granted, activate the Bradenton DTV station at the earliest possible

time.<sup>2/</sup> However, in planning for the activation of the facility, in light of the changes that have transpired by virtue of the *Sixth R&O*, WEDU now believes that it should locate the Channel \*5 DTV facility at a new tower WEDU is in the process of constructing at the Riverview antenna farm outside Tampa.<sup>3/</sup>

WEDU thus also requests reconsideration of that aspect of the *Sixth R&O* that specifies reference coordinates of 27-29-42 NL, 82-34-17 WL for Channel \*5 at Bradenton, and urges the Commission instead to specify reference coordinates of 27-50-52 NL, 82-15-48 WL. Based on preliminary engineering studies undertaken on behalf of WEDU to date, a DTV station on Channel \*5 at the coordinates proposed by WEDU could be operated so as not to conflict with any other NTSC or DTV station or allotment. Moreover, from that site, the DTV station operating on Channel \*5 with the power and height limitations contemplated by the Commission could provide a noise-limited contour over all of Bradenton.<sup>4/</sup> Thus, there is no reason to decline to modify the reference coordinates as requested in this Petition.

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<sup>2/</sup> WEDU urges the FCC to expedite conversion of the WEDU Channel \*19 NTSC application to DTV Channel \*5, its processing, and its grant.

<sup>3/</sup> WEDU also has a pending application (File No. BPET-970212KE) to relocate Station WEDU to the new Riverview tower, and would propose to operate the paired DTV channel for WEDU at the same site. Obviously, consolidation of NTSC and DTV operations at the single site has great operational and financial advantages, while still permitting appropriate coverage to each station's city of license.

<sup>4/</sup> WEDU's position in this matter is of course subject to the FCC's anticipated release of OET Bulletin 69, which will provide detailed information on a variety of the engineering calculations underlying coverage and interference considerations. WEDU reserves the right, if necessary, after the release of Bulletin 69, to revise its position or supplement this petition with additional information.

Modifying the reference coordinates for Channel \*5 at Bradenton would serve the public interest. If WEDU is awarded the authorization for the Channel, substantial operational and financial savings would be possible if it can operate each of its Tampa and Bradenton stations from the same transmitter site. WEDU could save hundreds of thousands of dollars if it does not have to construct a separate tower for Channel \*5, and it could save tens of thousands of dollars a year if it doesn't have to rent tower space for the station on some other broadcaster's tower. WEDU could also take advantage of other staffing and technical efficiencies. At the same time, both its Tampa and Bradenton stations could offer programming services tailored to their separate communities of license.

All these benefits are possible in this case, without derogation of other technical or regulatory concerns. The Commission can modify the reference coordinates for Channel \*5 at Bradenton as proposed without disrupting the DTV Table of Allotments or waiving any coverage or service rules.

#### Conclusion

For the foregoing reasons, WEDU requests reconsideration of the *Sixth R&O* to the extent that (1) it allocates Channel \*54 for WEDU in Tampa and (2) it does not specify the following coordinates for Channel \*5 at Bradenton, Florida: 27-50-52 NL 82-15-48.

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Respectfully submitted,

FLORIDA WEST COAST PUBLIC  
BROADCASTING, INC.

By: Todd D. Gray  
Todd D. Gray  
Margaret L. Miller  
Candace W. Clay  
Its Counsel

Dow, Lohnes & Albertson, pllc  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802  
202-776-2000

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